

2005 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB403)

Received: 12/01/2005

Received By: chanaman

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Paul Onsager

This file may be shown to any legislator: NO

Drafter: chanaman

May Contact:

Addl. Drafters:

Subject: Criminal Law - guns and weapons

Extra Copies:

Submit via email: YES

Requester's email: paul.onsager@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Carrying a concealed weapon

Instructions:

See Attached--s0288, with a1612, a1628, a1642, and a1640 engrossed

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 12/01/2005	jdye 12/01/2005		_____			
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FE Sent For:

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/?	chanaman	1 jld 12/1	12/1 pr	12/1 pr			

FE Sent For:

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State of Wisconsin
LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX -

PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 12/02/2005 (Per: CMH)



§ The 2005 drafting file for
LRB 05s0288 (ASA1-AB763) (introduced-not transferred)
LRBa1612 (transferred)
LRBa1628 (transferred)
LRBa1640 (transferred)
LRBa1642 (transferred)

where used to create ...

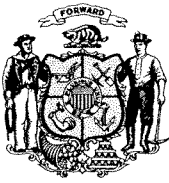
LRB 05s0346 (SSA2-SB403)

(same as LRBs0345) (ASA2-AB763)

§ The attached 2005 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as an appendix, to the new 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

§ This cover sheet was added to rear of the original 2005 drafting file. The drafting file was then returned, intact, to its folder and filed.

Done
YMB



State of Wisconsin
2005 – 2006 LEGISLATURE

LRBs0288/en
CMH&MGD:wj&cs:jf

ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 763

November 8, 2005 – Offered by Representative GUNDERSON.

50288
w/ a1612: a1640
↑
a1628
a1642

1 AN ACT *to renumber and amend* 23.33 (3) (e), 29.089 (2), 29.091, 29.621 (4),
2 440.26 (3m), 941.23, 941.235 (2) and 943.13 (2); *to amend* 51.20 (13) (cv) 4.,
3 51.20 (16) (gm), 51.30 (3) (a), 165.82 (1) (intro.), 165.82 (2), 175.35 (1) (at),
4 175.35 (2) (d), 175.35 (2g) (c) 4. a. and b., 175.35 (2k) (ar) 2., 813.12 (6) (am) 1.,
5 813.122 (9) (am) 1., 813.125 (5r) (a), 885.235 (1g) (intro.), 938.396 (8), 941.295
6 (2) (d), 943.13 (1m) (b) and 943.13 (3); and *to create* 23.33 (3) (e) 1., 23.33 (3)
7 (e) 2., 23.33 (3) (e) 3., 23.33 (3) (e) 4., 23.33 (3) (em), 29.089 (2) (a), 29.089 (2) (b),
8 29.089 (2) (c), 29.089 (2) (d), 29.091 (2), 29.091 (2) (d), 29.621 (4) (a), 29.621 (4)
9 (b), 29.621 (4) (c), 29.621 (4) (d), 29.621 (6), 55.06 (17) (d), 59.25 (3) (u), 165.25
10 (11), 167.31 (4) (ar), 175.35 (1) (am), 175.48, 175.49, 175.50, 440.26 (3m) (a),
11 440.26 (3m) (b), 440.26 (3m) (c), 440.26 (3m) (d), 885.235 (1g) (e), 938.396 (8m),
12 941.23 (1), 941.23 (2) (a), 941.23 (2) (b), 941.23 (2) (c), 941.23 (2) (d), 941.23 (2)
13 (e), 941.23 (3), 941.235 (2) (c), 941.235 (2) (d), 941.235 (2) (e), 941.237 (3) (cr),

1 941.237 (3) (ct), 941.237 (3) (cx), 941.29 (11), 941.295 (2g), 941.295 (2r), 943.13
2 (1e) (bm), 943.13 (1e) (g), 943.13 (1m) (c), 943.13 (2) (bm), 946.32 (3), 948.605
3 (2) (c) and 948.61 (3m) of the statutes; **relating to:** carrying a concealed
4 weapon, licenses authorizing persons to carry concealed weapons,[**NONE;** ✓
5 **AA-ASA1-AB763; Page: 2, Line: 4]** possessing or transporting a firearm
6 under certain circumstances, background checks for handgun purchases,
7 photographic identification cards for retired law enforcement officers,
8 requiring the exercise of rule-making authority, providing an exemption from
9 rule-making authority, and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

10 **SECTION 1.** 23.33 (3) (e) of the statutes is renumbered 23.33 (3) (e) (intro.) and
11 amended to read:

12 23.33 (3) (e) (intro.) With any firearm in his or her possession unless it is
13 unloaded and enclosed in a carrying case, ~~or any bow unless it is unstrung or enclosed~~
14 ~~in a carrying case.~~ This paragraph does not apply to any of the following:

15 **SECTION 2.** 23.33 (3) (e) 1. of the statutes is created to read:

16 23.33 (3) (e) 1. A person who is employed in this state by a public agency as a
17 law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

18 **SECTION 3.** 23.33 (3) (e) 2. of the statutes is created to read:

19 23.33 (3) (e) 2. A qualified out-of-state law enforcement officer, as defined in
20 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

21 **SECTION 4.** 23.33 (3) (e) 3. of the statutes is created to read:

22 23.33 (3) (e) 3. A retired law enforcement officer, as defined in s. 941.23 (1) (f),
23 to whom s. 941.23 (2) (c) 1. to 7. applies.

1 **SECTION 5.** 23.33 (3) (e) 4. of the statutes is created to read:

2 23.33 (3) (e) 4. A licensee, as defined in s. 175.50 (1) (d),[5; ✓
3 **CCC-1-ASA1-AB763;Page: 3, Line: 1]** or an out-of-state licensee, as defined in
4 s. 175.50 (1) (g), who possesses a handgun, as defined in s. 175.50 (1) (bm).

5 **SECTION 6.** 23.33 (3) (em) of the statutes is created to read:

6 23.33 (3) (em) With any bow unless it is unstrung or enclosed in a carrying case.

7 **SECTION 7.** 29.089 (2) of the statutes is renumbered 29.089 (2) (intro.) and
8 amended to read:

9 29.089 (2) (intro.) Except as provided in sub. (3), no person may have in his or
10 her possession or under his or her control a firearm on land located in state parks or
11 state fish hatcheries unless the firearm is unloaded and enclosed within a carrying
12 case. This subsection does not apply to any of the following:

13 **SECTION 8.** 29.089 (2) (a) of the statutes is created to read:

14 29.089 (2) (a) A person who is employed in this state by a public agency as a
15 law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

16 **SECTION 9.** 29.089 (2) (b) of the statutes is created to read:

17 29.089 (2) (b) A qualified out-of-state law enforcement officer, as defined in s.
18 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

19 **SECTION 10.** 29.089 (2) (c) of the statutes is created to read:

20 29.089 (2) (c) A retired law enforcement officer, as defined in s. 941.23 (1) (f),
21 firearm to whom s. 941.23 (2) (c) 1. to 7. applies.

22 **SECTION 11.** 29.089 (2) (d) of the statutes is created to read:

23 29.089 (2) (d) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state
24 licensee, as defined in s. 175.50 (1) (g), if the firearm is a handgun, as defined in s.
25 175.50 (1) (bm).

1 **SECTION 12.** 29.091 of the statutes is renumbered 29.091 (1) and amended to
2 read:

3 29.091 (1) No person may hunt or trap within any wildlife refuge established
4 under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession
5 or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded,
6 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed
7 within a carrying case. The taking of predatory game birds and animals shall be done
8 as the department directs. All state wildlife refuge boundary lines shall be marked
9 by posts placed at intervals of not over 500 feet and bearing signs with the words
10 “Wisconsin Wildlife Refuge”.

11 **SECTION 13.** 29.091 (2) of the statutes is created to read:

12 29.091 (2) The prohibition in sub. (1), as it relates to the possession or control
13 of a loaded or unencased gun or firearm within a game refuge established under s.
14 23.09 (2) (b), does not apply to any of the following:

15 (a) A person who is employed in this state by a public agency as a law
16 enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

17 (b) A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1)
18 (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

19 (c) A retired law enforcement officer, as defined in s. 941.23 (1) (f), to whom s.
20 941.23 (2) (c) 1. to 7. applies.

21 [14; CCC-1-ASA1-AB763; Page: 4, Line: 21] ✓

22 [14; CCC-1-ASA1-AB763; Page: 4, Line: 22] ✓ (d) A licensee, as defined in s.
23 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g), if the gun
24 or firearm is a handgun, as defined in s. 175.50 (1) (bm).

1 **SECTION 15.** 29.621 (4) of the statutes is renumbered 29.621 (4) (intro.) and
2 amended to read:

3 29.621 (4) PROTECTION. (intro.) Except as provided in s. 29.091 (1), no owner
4 of a wildlife refuge, and no other person, may hunt or trap within the boundaries of
5 any wildlife refuge or have in his or her possession or under his or her control in the
6 wildlife refuge a gun, firearm, bow or crossbow, unless the gun or firearm is unloaded,
7 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed
8 within a carrying case. ~~Nothing in this section may prohibit, prevent or interfere~~
9 ~~with the department in the destruction of injurious animals. This subsection, as it~~
10 relates to the possession or control of a loaded or unencased firearm, does not apply
11 to any of the following:

12 **SECTION 16.** 29.621 (4) (a) of the statutes is created to read:

13 29.621 (4) (a) A person who is employed in this state by a public agency as a
14 law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

15 **SECTION 17.** 29.621 (4) (b) of the statutes is created to read:

16 29.621 (4) (b) A qualified out-of-state law enforcement officer, as defined in s.
17 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

18 **SECTION 18.** 29.621 (4) (c) of the statutes is created to read:

19 29.621 (4) (c) A retired law enforcement officer, as defined in s. 941.23 (1) (f),
20 to whom s. 941.23 (2) (c) 1. to 7. applies.

21 **SECTION 19.** 29.621 (4) (d) of the statutes is created to read:

22 29.621 (4) (d) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state
23 licensee, as defined in s. 175.50 (1) (g), if the gun or firearm is a handgun, as defined
24 in s. 175.50 (1) (bm).

25 **SECTION 20.** 29.621 (6) of the statutes is created to read:

1 29.621 (6) INJURIOUS ANIMALS. Nothing in this section may prohibit, prevent,
2 or interfere with the department in the destruction of injurious animals.

3 **SECTION 21.** 51.20 (13) (cv) 4. of the statutes is amended to read:

4 51.20 (13) (cv) 4. If the court prohibits a subject individual from possessing a
5 firearm under subd. 1. or cancels a prohibition under subd. 2., the court clerk shall
6 notify the department of justice of that fact and provide any information identifying
7 the subject individual that is necessary to permit an accurate involuntary
8 commitment history record search under s. 175.35 (2g) (c) or a background check
9 under s. 175.50 (9g) (b). No other information from the subject individual's court
10 records may be disclosed to the department of justice except by order of the court.
11 The department of justice may disclose information provided under this subdivision
12 only as part of an involuntary commitment history record search under s. 175.35 (2g)
13 (c).

14 **SECTION 22.** 51.20 (16) (gm) of the statutes is amended to read:

15 51.20 (16) (gm) Upon a request under par. (a), a court may cancel the
16 prohibition under sub. (13) (cv) 1. if the court determines, based on evidence
17 presented on the issue of the subject individual's dangerousness, that there no longer
18 is a substantial probability that the individual may use a firearm to cause physical
19 harm to himself or herself or endanger public safety. If a court cancels a prohibition
20 under sub. (13) (cv) 1. under this paragraph, the court clerk shall notify the
21 department of justice of that fact and provide any information identifying the subject
22 individual that is necessary to permit an accurate involuntary commitment record
23 search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b). No
24 other information from the subject individual's court records may be disclosed to the
25 department of justice except by order of the court.

1 **SECTION 23.** 51.30 (3) (a) of the statutes is amended to read:

2 51.30 (3) (a) Except as provided in pars. (b) and (c) and s. 175.50 (11)[23;
3 AA–ASA1–AB763; Page: 7, Line: 2] (a)[23; AA–ASA1–AB763; Page: 7, Line: 2]
4 2. g. and 3. and under rules that the department of justice promulgates under s.
5 175.35 (2g) (c) 3. or 175.50 (9g) (f), the files and records of the court proceedings under
6 this chapter shall be closed but shall be accessible to any individual who is the subject
7 of a petition filed under this chapter.

8 **SECTION 24.** 55.06 (17) (d) of the statutes is created to read:

9 55.06 (17) (d) Notwithstanding par. (a), information from records described in
10 par. (a) may be disclosed under rules that the department of justice promulgates
11 under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f).

12 **SECTION 25.** 59.25 (3) (u) of the statutes is created to read:

13 59.25 (3) (u) 1. Establish a segregated fund, the proceeds of which may be used
14 by the county to award shooting range grants under s. 175.50 (20m).

15 2. Deposit into the segregated fund created under subd. 1. all moneys received
16 under s. 175.50 (7) (bp) or (15) (b) 4. c.

17 3. Make payments from the fund established under subd. 1. as directed by the
18 county.

19 **SECTION 26.** 165.25 (11) of the statutes is created to read:

20 [26; AA–ASA1–AB763; Page: 7, Line: 19]RULES REGARDING CONCEALED
21 WEAPONS LICENSES. (a) Promulgate rules providing a procedure by which the
22 department may file a petition under s. 175.50 (10m) and a license may be revoked
23 under s. 175.50 (14) with respect to a person who is issued a license under s. 175.50
24 (9r) and who, as a result of being licensed, poses a substantial risk to others.

(b)[26; AA-ASA1-AB763; Page: 7, Line: 19]which states issue permits or licenses to carry a concealed weapon to persons who pass criminal background checks in those states and promulgate by rule a list of those states.

SECTION 26m. 165.60 of the statutes is amended to read:

165.60 Law enforcement. The department of justice is authorized to enforce ss. 101.123 (2), (5), and (8), 175.50 (17) (c), (d), and (e), 944.30, 944.31, 944.33, 944.34, 945.02 (2), 945.03 (1m), and 945.04 (1m) and is invested with the powers conferred by law upon sheriffs and municipal police officers in the performance of those duties. This section does not deprive or relieve sheriffs, constables, and other local police officers of the power and duty to enforce those sections, and those officers shall likewise enforce those sections. [26m; AA-ASA1-AB763; Page: 7, Line: 22] ✓

SECTION 27. 165.82 (1) (intro.) of the statutes is amended to read:

165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall impose the following fees, plus any surcharge required under sub. (1m), for criminal history searches for purposes unrelated to criminal justice or to s. 175.35, 175.49, or 175.50:

SECTION 28. 165.82 (2) of the statutes is amended to read:

165.82 (2) ~~Except as provided in s. 175.35, the~~ The department of justice shall not impose fees for criminal history searches for purposes related to criminal justice.

SECTION 29. 167.31 (4) (ar) of the statutes is created to read:

167.31 (4) (ar) Subsections (2) (a), (b), and (c) and (3) (a) and (b) do not apply to the placement, possession, transportation, or loading of a firearm by any of the following:

1. A person who is employed in this state by a public agency as a law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

1 2. A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1)
2 (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

3 3. A retired law enforcement officer, as defined in s. 941.23 (1) (f), to whom s.
4 941.23 (2) (c) 1. to 7. applies.

5 4. A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as
6 defined in s. 175.50 (1) (g), if the firearm is handgun, as defined in s. 175.50 (1) (bm).

7 **SECTION 30.** 175.35 (1) (am) of the statutes is created to read:

8 175.35 (1) (am) “Disqualifying mental health adjudication” means one of the
9 following events if it occurs in a proceeding that was not commenced by the person
10 who is the subject of the proceeding and if it is based on the person having markedly
11 subnormal intelligence or the person’s mental illness, incompetency, condition, or
12 disease:

13 1. An order entered by a court in this state that commits a person for treatment
14 in an inpatient mental health facility.

15 2. A determination by a court in this state that a person is a danger to himself
16 or herself or others under s. 51.20 (1) (a) 2. or lacks the mental capacity to contract
17 or manage his or her own affairs.

18 **SECTION 31.** 175.35 (1) (at) of the statutes is amended to read:

19 175.35 (1) (at) “Firearms restrictions record search” means a search of
20 department of justice records to determine whether a person seeking to purchase a
21 handgun is prohibited from possessing a firearm under s. 941.29 or based on a
22 disqualifying mental health adjudication. “Firearms restriction record search”
23 includes a criminal history record search, a search to determine whether a person is
24 prohibited from possessing a firearm under s. 51.20 (13) (cv), a search to determine
25 whether the person is subject to an injunction under s. 813.12 or 813.122, or a tribal

1 injunction, as defined in s. 813.12 (1) (e), issued by a court established by any
2 federally recognized Wisconsin Indian tribe or band, except the Menominee Indian
3 tribe of Wisconsin, that includes notice to the respondent that he or she is subject to
4 the requirements and penalties under s. 941.29 and that has been filed with the
5 circuit court under s. 806.247 (3), and a search to determine whether the person is
6 prohibited from possessing a firearm under s. 813.125 (4m).

7 **SECTION 32.** 175.35 (2) (d) of the statutes is amended to read:

8 175.35 (2) (d) Forty-eight hours, subject to extension under sub. (2g) (c) 4. c.,
9 have elapsed from the time that the firearms dealer has received a confirmation
10 number regarding the firearms restrictions record search under sub. (2g) (c) from the
11 department of justice and the firearms dealer has not been notified that the transfer
12 would be in violation of s. 941.29 or that the transferee would be prohibited from
13 possessing a firearm based on a disqualifying mental health adjudication.

14 **SECTION 33.** 175.35 (2g) (c) 4. a. and b. of the statutes are amended to read:

15 175.35 (2g) (c) 4. a. If the search indicates that the transferee is prohibited from
16 possessing a firearm under s. 941.29 or based on a disqualifying mental health
17 adjudication, the department shall provide the firearms dealer with a unique
18 nonapproval number. The department may not disclose to the firearms dealer the
19 reason the transferee is prohibited from possessing a firearm ~~under s. 941.29.~~

20 b. If the search indicates that the transferee is not prohibited from possessing
21 a firearm under s. 941.29 or based on a disqualifying mental health adjudication, the
22 department shall provide the firearms dealer with a unique approval number.

23 **SECTION 34.** 175.35 (2k) (ar) 2. of the statutes is amended to read:

24 175.35 (2k) (ar) 2. Check each duplicate notification form received under sub.
25 (2j) against the information recorded by the department regarding the corresponding

1 request for a firearms restrictions record search under sub. (2g). If the department
2 previously provided a unique approval number regarding the request and nothing
3 in the duplicate completed notification form indicates that the transferee is
4 prohibited from possessing a firearm under s. 941.29 or based on a disqualifying
5 mental health adjudication, the department shall destroy all records regarding that
6 firearms restrictions record search within 30 days after receiving the duplicate form.

7 **SECTION 35.** 175.48 of the statutes is created to read:

8 **175.48 Law enforcement officer identification cards.** If a Wisconsin law

9 (1) In this section, “Wisconsin law enforcement agency” has the meaning given in
10 s. 175.46 (1) (f).

11 (2)[35; AA-ASA1-AB763; Page: 10, Line: 19]enforcement agency[35;
12 AA-ASA1-AB763;Page: 10, Line: 20] issues photographic identification cards to
13 its officers, it may not require an officer to relinquish his or her card upon retirement
14 unless one of the following applies: ✓

15 [35; AA-ASA1-AB763; Page: 10, Line: 23] (a)[35; AA-ASA1-AB763; Page:
16 10, Line: 23] The officer may not lawfully possess a firearm under federal law.

17 [35; AA-ASA1-AB763; Page: 10, Line: 24] (b)[35; AA-ASA1-AB763; Page:
18 10, Line: 24] The officer did not retire in good standing from service as a law
19 enforcement officer with the agency or retired as a result of mental instability.

20 [35; AA-ASA1-AB763; Page: 11, Line: 1] (c)[35; AA-ASA1-AB763; Page:
21 11, Line: 1] The officer was regularly employed as a law enforcement officer for an
22 aggregate of less than 15 years. This[35; AA-ASA1-AB763; Page: 11, Line: 2]
23 paragraph[35; AA-ASA1-AB763; Page: 11, Line: 2] does not apply if the officer,
24 after completing any applicable probationary period of service with the agency,

1 retired from service with the agency due to a service-connected disability, as
2 determined by the agency.

3 [35; AA-ASA1-AB763; Page: 11, Line: 6] (d)[35; AA-ASA1-AB763; Page:
4 11, Line: 6] The officer does not have a nonforfeitable right to benefits under the
5 agency's retirement plan.

6 (3) Unless sub. (2) (a), (b), (c), or (d) applies, if a Wisconsin law enforcement
7 agency does not issue photographic identification cards to its officers, it shall issue
8 such a card to an officer formerly employed by that agency upon the former officer's
9 request and at his or her expense. [35; AA-ASA1-AB763; Page: 11, Line: 7]

10 **SECTION 36.** 175.49 of the statutes is created to read:

11 **175.49 Retired law enforcement officers seeking to carry concealed**
12 **weapons. (1) DEFINITIONS.** In this section:

13 (a) "Department" means the department of justice.

14 (b) "Former employer" means a law enforcement agency that employed a
15 retired law enforcement officer immediately before his or her retirement.

16 (c) "Law enforcement officer" means a person who is employed by a public
17 agency in the United States for the purpose of engaging in, or supervising others
18 engaging in, the prevention, detection, investigation, or prosecution of, or the
19 incarceration of any person for, any violation of law and who has statutory powers
20 of arrest.

21 (2) **ISSUANCE OF CERTIFICATION.** Subject to sub. (3), the department shall issue
22 and provide a retired law enforcement officer, upon request and at his or her own
23 expense, an identification card that contains the information specified in sub. (4) (b)
24 and that certifies all of the following:

1 (a) That the department has found that the retired officer has met the
2 standards established by this state for training and qualification for active duty law
3 enforcement officers to carry firearms.

4 (b) The date on which the department made the finding under par. (a).

5 (c) That, as a result of the finding under par. (a), the retired officer is qualified
6 to carry any concealed firearm other than a machine gun or a firearm bearing a
7 silencer.

8 **(3) PREREQUISITES FOR DEPARTMENT ACTION.** (a) Subsection (2) does not apply
9 with respect to a person requesting an identification card unless all of the following
10 apply:

11 1. The person retired in good standing from service as a law enforcement officer
12 for reasons other than mental instability.

13 2. At least one of the following applies:

14 a. Before retiring, the person was regularly employed as a law enforcement
15 officer for an aggregate of 15 years or more.

16 b. The person completed any applicable probationary period of service with his
17 or her former employer and retired from service due to a service-connected disability,
18 as determined his or her former employer.

19 3. The person has a nonforfeitable right to benefits under his or her former
20 employer's retirement plan.

21 4. The department determines that its records do not indicate that the person
22 is prohibited from possessing a firearm under federal law or is a person specified in
23 s. 941.29 (1) (a), (b), (bm), (c), (d), (e), or (g).

24 5. The person is a resident of this state.

1 (b) The department may require a person to sign appropriate consents for
2 release of information to enable it to confirm that he or she meets all of the
3 prerequisites under this subsection for the department to act under sub. (2).

4 (c) In addition to other fees authorized under sub. (2), the department may
5 require a person to pay a fee, not to exceed the department's costs, for verifying his
6 or her employment history or retirement plan status under par. (a) 1. to 3. or making
7 a determination under par. (a) 4.

8 **(4) CONTENTS OF IDENTIFICATION CARD.** (a) Subject to pars. (b), (c), and (d), the
9 department shall design a single document for identification cards issued under this
10 section. The department shall complete the design of the identification card
11 document no later than the first day of the 2nd month beginning after the effective
12 date of this paragraph [revisor inserts date].

13 (b) In addition to the information certified under sub. (2), an identification card
14 issued under this section shall contain all of the following on one side:

- 15 1. The full name, date of birth, and residence address of the retired officer.
16 2. A physical description of the retired officer, including sex, height, weight, and
17 hair and eye color.
18 3. The name of this state.

19 (c) An identification card may not contain the retired officer's social security
20 number.

21 (d) An identification card issued under this section shall be, to the maximum
22 extent possible, tamper proof. The contents of the identification card shall be
23 included in the document in substantially the same way that the contents of an
24 operator's license document issued under s. 343.17 are included in that document.

25 **SECTION 37.** 175.50 of the statutes is created to read:

1 **175.50 License to carry a concealed weapon. (1) DEFINITIONS.** In this
2 section:

3 (ab) “Alcohol beverages” has the meaning given in s. 125.02 (1).

4 (abm) “Alcohol concentration” has the meaning given in s. 340.01 (1v).

5 (ac) “Background check” means a search of department and court records
6 conducted under sub. (9g) to determine a person’s eligibility for a license to carry a
7 concealed weapon.

8 (ag) Except in subs. (2g) (b) and[37; AA-ASA1-AB763; Page: 14, Line: 5]
9 (12g) (a) 2.[37; AA-ASA1-AB763; Page: 14, Line: 5], “carry” means to go armed
10 with. ✓

11 (ah) “Controlled substance” means a controlled substance, as defined in s.
12 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m).

13 (aj) “Department” means the department of justice.

14 (am) “Drunk driving offense” means any of the following:

15 1. A violation of s. 346.63 or a local ordinance in conformity with that section.

16 2. A violation of a law of a federally recognized American Indian tribe or band
17 in this state in conformity with s. 346.63.

18 3. A violation of the law of another jurisdiction, as defined in s. 340.01 (41m),
19 that prohibits use of a motor vehicle while intoxicated, while under the influence of
20 a controlled substance, a controlled substance analog, or a combination thereof, with
21 an excess or specified range of alcohol concentration, or while under the influence of
22 any drug to a degree that renders the person incapable of safely driving, as those or
23 substantially similar terms are used in that jurisdiction’s laws.

24 (bm) “Handgun” means any weapon designed or redesigned, or made or
25 remade, and intended to be fired while held in one hand and to use the energy of an

1 explosive to expel a projectile through a smooth or rifled bore. “Handgun” does not
2 include a machine gun, as defined in s. 941.27 (1), a short-barreled rifle, as defined
3 in s. 941.28 (1) (b), or a short-barreled shotgun, as defined in s. 941.28 (1) (c).

4 (bq) “Intoxicant” means any alcohol beverage, controlled substance, or other
5 drug, or any combination thereof.

6 (bv) “Law enforcement agency” does not include the department. [37; ✓
7 **AA-ASA1-AB763; Page: 14, Line: 25]**

8 (c) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

9 (d) “Licensee” means an individual holding a valid license to carry a concealed
10 weapon issued under this section.

11 (e) “Misdemeanor crime of violence” means any of the following:

12 1. A misdemeanor violation of chs. 940, 941, or 948 or of s. 947.013 or a violation
13 of s. 947.01 or of sub. (2k) (e) or (16) (cm) 1[37; ✓ **AA-ASA1-AB763; Page: 15, Line:**
14 **6].**

15 2. A crime under federal law or the law of another state that is comparable to
16 a crime described in subd. 1.

17 (eg) “Misdemeanor delinquency adjudication” means a finding that a juvenile
18 is delinquent for an act that would be a misdemeanor if committed by an adult.

19 (er) “Motor vehicle” has the meaning given in s. 340.01 (35). [37;
20 ✓ **AA-ASA1-AB763; Page: 15, Line: 10]**

21 (f) “Out-of-state authorization” means a valid permit document or a valid
22 license document issued by another state if all of the following apply:

23 1. The permit document or license document documents that a person is
24 authorized under the law of that state to carry a concealed weapon in that state.

1 2. The state is listed in the rule promulgated by the department under s. 165.25
2 (11).

3 (g) “Out-of-state licensee” means an individual who is 21 years of age or over,
4 who is not a Wisconsin resident, who has been issued an out-of-state authorization,
5 and who is not prohibited from possessing a firearm under s. 941.29 or from
6 possessing a firearm that has been transported in interstate or foreign commerce
7 under federal law.

8 (gm) “Photo identification card” means an operator’s license issued under ch.
9 343 or an identification card issued under s. 343.50.

10 (h) “Private property” has the meaning given in s. 943.13 (1e) (e).

11 (i) “Proprietor” means a person to whom a Class “B” or “Class B” license or
12 permit has been issued under ch. 125.

13 (ig) “Purpose of authorized analysis” means for the purpose of determining or
14 obtaining evidence of the presence, quantity, or concentration of any intoxicant in a
15 person’s blood, breath, or urine.

16 (im) “State identification card number” means the unique identifying driver
17 number assigned to a person by the department of transportation under s. 343.17 (3)
18 (a) 4. or, if the person presents, under sub. (6), an identification card issued under
19 s. 343.50, the number assigned to the person on that identification card.

20 (is) “Test facility” means a test facility or agency prepared to administer tests
21 under s. 343.305 (2).

22 (j) “Weapon” means a handgun, an electric weapon, as defined in s. 941.295 (4),
23 a knife other than a switchblade knife under s. 941.24, or a billy club.

24 **(2) ISSUANCE OF LICENSE.** The department shall issue licenses to carry a
25 concealed weapon to an individual who meets the qualifications specified in sub. (3)

1 and who completes the application process specified in sub. (7). A license to carry a
2 concealed weapon issued under this section shall meet the requirements specified in
3 sub. (2m).

4 **(2g) CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE DOCUMENT**
5 **OR AUTHORIZATION.** (a) A licensee or an out-of-state licensee may carry a concealed
6 weapon anywhere in this state except as provided under sub. (15m) or (16) or s.
7 941.20 (1) (b) or 943.13 (1m) (c).

8 (b) A licensee shall carry his or her license document and photo identification
9 card and an out-of-state licensee shall carry his or her out-of-state authorization
10 at all times during which he or she is going armed with a concealed weapon.

11 (c) If he or she is carrying a concealed weapon, a licensee shall display his or
12 her license document and photo identification card and an out-of-state licensee shall
13 display his or her out-of-state authorization to a law enforcement officer upon the
14 request of the law enforcement officer.

15 **(2i) PRELIMINARY BREATH SCREENING TEST.** (a) *Requirement.* A person shall
16 provide a sample of his or her breath for a preliminary breath screening test if a law
17 enforcement officer has probable cause to believe that the person is violating sub.
18 (16) (cm) 1.[37; AA-ASA1-AB763; Page: 17, Line: 8] and if, prior to an arrest, the
19 law enforcement officer requested that the person provide this sample.

20 (b) *Use of test results.* A law enforcement officer may use the results of a
21 preliminary breath screening test for the purpose of deciding whether or not to arrest
22 a person for a violation of sub. (16) (cm) 1.[37; AA-ASA1-AB763; Page: 17, Line:
23 8] or for the purpose of deciding whether or not to request a chemical test under sub.
24 (2k). Following the preliminary breath screening test, chemical tests may be
25 required of the person under sub. (2k).

1 (c) *Admissibility.* The result of a preliminary breath screening test is not
2 admissible in any action or proceeding except to show probable cause for an arrest,
3 if the arrest is challenged, or to show that a chemical test was properly required of
4 a person under sub. (2k).

5 (d) *Refusal.* There is no penalty for a violation of par. (a). Neither sub. (17) (b)
6 nor the general penalty provision under s. 939.61 applies to that violation.

7 **(2j) IMPLIED CONSENT.** Any person who carries a concealed weapon in this state
8 is deemed to have given consent to provide one or more samples of his or her breath,
9 blood, or urine for the purpose of authorized analysis as required under sub. (2k).
10 Any person who carries a concealed weapon in this state is deemed to have given
11 consent to submit to one or more chemical tests of his or her breath, blood, or urine
12 for the purpose of authorized analysis as required under sub. (2k).

13 **(2k) CHEMICAL TESTS.** (a) *Requirement.* 1. ‘Samples; submission to tests.’ A
14 person shall provide one or more samples of his or her breath, blood, or urine for the
15 purpose of authorized analysis if he or she is arrested for a violation of sub. (16) (cm)
16 1.[37; AA-ASA1-AB763; Page: 18, Line: 5] and if he or she is requested to provide
17 the sample by a law enforcement officer. A person shall submit to one or more
18 chemical tests of his or her breath, blood, or urine for the purpose of authorized
19 analysis if he or she is arrested for a violation of sub. (16) (cm) 1.[37;
20 AA-ASA1-AB763;Page: 18, Line: 5] and if he or she is requested to submit to the
21 test by a law enforcement officer.

22 2. ‘Information.’ A law enforcement officer requesting a person to provide a
23 sample or to submit to a chemical test under subd. 1. shall inform the person of all
24 of the following at the time of the request and prior to obtaining the sample or
25 administering the test:

1 a. That he or she is deemed to have consented to tests under sub. (2i).

2 b. That a refusal to provide a sample or to submit to a chemical test constitutes
3 a violation under par. (e) and is subject to the same penalties and procedures as a
4 violation of sub. (16) (cm) 1[37; AA-ASA1-AB763; Page: 18, Line: 18].

5 c. That in addition to the designated chemical test under par. (b) 2. he or she
6 may have an additional chemical test under par. (c) 1.

7 3. ‘Unconscious person.’ A person who is unconscious or otherwise not capable
8 of withdrawing consent is presumed not to have withdrawn consent under this
9 paragraph, and if a law enforcement officer has probable cause to believe that the
10 person violated sub. (16) (cm) 1.[37; AA-ASA1-AB763; Page: 18, Line: 5], one or
11 more chemical tests may be administered to the person without a request under
12 subd. 1. and without providing information under subd. 2.

13 (b) *Chemical tests.* 1. ‘Test facility.’ Upon the request of a law enforcement
14 officer, a test facility shall administer a chemical test of breath, blood, or urine for
15 the purpose of authorized analysis. A test facility shall be prepared to administer
16 2 of the 3 chemical tests of breath, blood, or urine for the purpose of authorized
17 analysis. The department may enter into agreements for the cooperative use of test
18 facilities.

19 2. ‘Designated chemical test.’ A test facility shall designate one chemical test
20 of breath, blood, or urine which it is prepared to administer first for the purpose of
21 authorized analysis.

22 3. ‘Additional chemical test.’ A test facility shall specify one chemical test of
23 breath, blood, or urine, other than the test designated under subd. 2., which it is
24 prepared to administer for the purpose of authorized analysis as an additional
25 chemical test.

1 4. ‘Validity; procedure.’ A chemical test of blood or urine conducted for the
2 purpose of authorized analysis is valid as provided under s. 343.305 (6). The duties
3 and responsibilities of the laboratory of hygiene, department of health and family
4 services, and department of transportation under s. 343.305 (6) apply to a chemical
5 test of blood or urine conducted for the purpose of authorized analysis under this
6 subsection. Blood may be withdrawn from a person arrested for a violation of sub.
7 (16) (cm) 1.[37; AA-ASA1-AB763; Page: 19, Line: 22] only by a physician,
8 registered nurse, medical technologist, physician assistant, or person acting under
9 the direction of a physician and the person who withdraws the blood, the employer
10 of that person, and any hospital where blood is withdrawn have immunity from civil
11 or criminal liability as provided under s. 895.53.

12 5. ‘Report.’ A test facility which administers a chemical test of breath, blood,
13 or urine for the purpose of authorized analysis under this subsection shall prepare
14 a written report which shall include the findings of the chemical test, the
15 identification of the law enforcement officer or the person who requested a chemical
16 test, and the identification of the person who provided the sample or submitted to the
17 chemical test. The test facility shall transmit a copy of the report to the law
18 enforcement officer and the person who provided the sample or submitted to the
19 chemical test.

20 (c) *Additional and optional chemical tests.* 1. ‘Additional chemical test.’ If a
21 person is arrested for a violation of sub. (16) (cm) 1.[37; AA-ASA1-AB763; Page:
22 20, Line: 12] and if the person is requested to provide a sample or to submit to a test
23 under par. (a) 1., the person may request the test facility to administer the additional
24 chemical test specified under par. (b) 3. or, at his or her own expense, reasonable

1 opportunity to have any qualified person administer a chemical test of his or her
2 breath, blood, or urine for the purpose of authorized analysis.

3 2. 'Optional test.' If a person is arrested for a violation of sub. (16) (cm) 1.[37;
4 **AA-ASA1-AB763;Page: 20, Line: 12]** and if the person is not requested to provide
5 a sample or to submit to a test under par. (a) 1., the person may request the test
6 facility to administer a chemical test of his or her breath or, at his or her own expense,
7 reasonable opportunity to have any qualified person administer a chemical test of his
8 or her breath, blood, or urine for the purpose of authorized analysis. If a test facility
9 is unable to perform a chemical test of breath, the person may request the test facility
10 to administer the designated chemical test under par. (b) 2. or the additional
11 chemical test under par. (b) 3.

12 3. 'Compliance with request.' A test facility shall comply with a request under
13 this paragraph to administer any chemical test that it is able to perform.

14 4. 'Inability to obtain chemical test.' The failure or inability of a person to
15 obtain a chemical test at his or her own expense does not preclude the admission of
16 evidence of the results of a chemical test required and administered under pars. (a)
17 and (b).

18 (d) *Admissibility; effect of test results; other evidence.* The results of a chemical
19 test required or administered under par. (a), (b), or (c) are admissible in any civil or
20 criminal action or proceeding arising out of the acts committed by a person alleged
21 to have violated sub. (16) (cm) 1.[37; **AA-ASA1-AB763; Page: 21, Line: 10]** on the
22 issue of whether the person had alcohol concentrations at or above specified levels
23 or was under the influence of an intoxicant. Results of these chemical tests shall be
24 given the effect required under s. 885.235. This subsection does not limit the right
25 of a law enforcement officer to obtain evidence by any other lawful means.

1 (e) *Refusal*. No person may refuse a lawful request to provide one or more
2 samples of his or her breath, blood, or urine or to submit to one or more chemical tests
3 under par. (a). A person shall not be deemed to refuse to provide a sample or to submit
4 to a chemical test if it is shown by a preponderance of the evidence that the refusal
5 was due to a physical inability to provide the sample or to submit to the test due to
6 a physical disability or disease unrelated to the use of an intoxicant. Issues in any
7 action concerning a violation of par. (a) or this paragraph are limited to:

8 1. Whether the law enforcement officer had probable cause to believe the
9 person was violating or had violated sub. (16) (cm) 1[37; AA-ASA1-AB763; Page:
10 **21, Line: 23**].

11 2. Whether the person was lawfully placed under arrest for violating sub. (16)
12 (cm) 1[37; AA-ASA1-AB763; Page: **21, Line: 23**].

13 3. Whether the law enforcement officer requested the person to provide a
14 sample or to submit to a chemical test and provided the information required under
15 par. (a) 2. or whether the request and information were unnecessary under par. (a)
16 3.

17 4. Whether the person refused to provide a sample or to submit to a chemical
18 test.

19 **(2m)** LICENSE DOCUMENT; CONTENT OF LICENSE. (a) Subject to pars. (b), (c), and
20 (d), the department shall design a single license document for licenses issued and
21 renewed under this section. The department shall complete the design of the license
22 document no later than the first day of the 2nd month beginning after the effective
23 date of this paragraph [revisor inserts date].

24 (b) A license document for a license issued under this section shall contain all
25 of the following on one side:

1 1. The full name, date of birth, and residence address of the licensee.

2 2. A physical description of the licensee, including sex, height, weight, and hair
3 and eye color.

4 3. The date on which the license was issued.

5 4. The date on which the license expires.

6 5. The name of this state.

7 6. A unique identification number for each licensee.

8 (c) The license document may not contain the licensee's social security number.

9 (d) A license document issued under this section shall be, to the maximum
10 extent possible, tamper proof. The contents of the license document shall be included
11 in the document in substantially the same way that the contents of an operator's
12 license document issued under s. 343.17 are included in that document.

13 **(3) QUALIFICATIONS FOR OBTAINING A LICENSE.** An individual is eligible for a
14 license under this section if all of the following apply:

15 (a) The individual is at least 21 years of age.

16 (b) The individual does not have a severe physical disability that prevents him
17 or her from safely handling a weapon and that, if the individual were handling a
18 weapon, would cause the individual to pose a significant public safety risk. The
19 department may determine that a person is ineligible for a license under this
20 paragraph only if the form that the person has submitted under (7) (d) does not
21 indicate that the person is eligible. The department may override an indication on
22 a form submitted under sub. (7) (d) that a person is not eligible for a license under
23 this paragraph. This paragraph does not apply to a person certified under sub. (3m)
24 (b) as an instructor of a firearm training or firearm safety course or class.

1 (c) The individual is not prohibited under federal law from possessing a firearm
2 that has been transported in interstate or foreign commerce.

3 (d) The individual is not prohibited from possessing a firearm under s. 941.29.

4 (e) During the preceding 3 years, the individual has not been committed under
5 s. 51.20 for being drug dependent.

6 (f) During the preceding 3 years, the individual has not been convicted for any
7 violation, or for the solicitation, conspiracy, or attempt to commit any violation, of ch.
8 961 or of a federal law or a law of another state that is comparable to any provision
9 of ch. 961.

10 (g) The individual does not chronically and habitually use alcohol beverages or
11 other substances to the extent that his or her normal faculties are impaired. A person
12 is presumed chronically and habitually to use alcohol beverages or other substances
13 to the extent that his or her normal faculties are impaired if, within the preceding
14 3 years, any of the following applies:

15 1. The individual has been committed for involuntary treatment under s. 51.45
16 (13).

17 2. The individual has been convicted of a violation of s. 941.20 (1) (b).

18 3. In 2 or more cases arising out of separate incidents, a court has found the
19 individual to have committed a drunk driving offense.

20 (h) 1. The individual has done one of the following:

21 a. Successfully completed a firearm training or firearm safety course or class
22 that meets the requirements of sub. (3m) (a) and that is conducted by an instructor
23 certified by the state in which the course or class was conducted or by a national or
24 state organization that certifies firearms instructors.

1 b. Participated in organized shooting competitions or military, law
2 enforcement, or security training that gave the applicant experience with firearms
3 that the department determines is substantially equivalent to any course or class
4 that meets the requirements of sub. (3m) (a).

5 c. Been certified as described under sub. (3m) (b) as an instructor of a firearm
6 training or firearm safety course or class.

7 2. If subd. 1. a. or b. applies, the person providing the training or organizing
8 a shooting competition in which the person has competed shall complete the form
9 designed by the department under sub. (5) (b).

10 (i) The individual has not been found incompetent under ch. 880 or, if the
11 individual has been found incompetent under ch. 880, he or she was subsequently
12 found to be competent and at least 5 years have elapsed from the date that he or she
13 was found to be competent.

14 (im) The individual was not the subject of a protective placement under s. 55.06
15 as a minor unless at least 5 years have elapsed from the date on which his or her
16 protective placement ended.

17 (j) The individual has not been involuntarily committed for treatment under
18 s. 51.20 due to mental illness or a developmental disability or, if the individual has
19 been involuntarily committed for treatment under s. 51.20 due to mental illness or
20 a developmental disability, he or she shows, through evidence from a psychiatrist
21 licensed in this state, that he or she has not been disabled due to mental illness or
22 a developmental disability for at least 5 years.

23 (k) The individual has not been found incompetent under s. 971.14 or, if the
24 individual has been found incompetent under s. 971.14, one of the following applies:

1 1. He or she was subsequently found to be competent and at least 5 years have
2 elapsed from the date that he or she was found to be competent.

3 2. He or she was not subsequently found to be competent and he or she shows,
4 through evidence from a psychiatrist licensed in this state, that he or she has not
5 been disabled due to mental illness or a developmental disability for at least 5 years.

6 (L) The individual has not been found not guilty by reason of mental disease
7 or defect under s. 971.17 or, if the individual has been found not guilty by reason of
8 mental disease or defect under s. 971.17, he or she presents evidence from a
9 psychiatrist licensed in this state that he or she has not been disabled due to mental
10 illness or a developmental disability for at least 5 years.

11 (m) Within the preceding 3 years, the individual was not convicted of a
12 misdemeanor crime of violence[37; AA-ASA1-AB763; Page: 25, Line: 23] or[37; ✓
13 AA-ASA1-AB763;Page: 25, Line: 23] was not serving a sentence, on probation, or
14 subject to a dispositional order under ch. 938 for committing a misdemeanor crime
15 of violence.

16 (mm) The individual has not been convicted of a misdemeanor violation of s.
17 940.32, 1999 stats., or a misdemeanor violation of a federal law or a law of another
18 state that is comparable to s. 940.32.

19 (mr) The individual has not been prohibited from obtaining a license under sub.
20 (10m) based on the individual having committed a misdemeanor crime of violence.
21 [37; AA-ASA1-AB763; Page: 25, Line: 25]

22 (n) The individual has not been charged with a felony or a misdemeanor crime
23 of violence for which the prosecution was suspended under a deferred prosecution
24 agreement unless 3 years have elapsed since the date of the agreement.

1 (o) The individual is not the subject of any pending civil or criminal case, the
2 disposition of which could disqualify him or her from having a license under this
3 subsection.

4 (p) The individual has not previously submitted an application for a license
5 under this section and had the application denied, unless each reason for the denial
6 is no longer applicable because of changed circumstances or, if the denial was based
7 on a restriction under this subsection that applies for a specified period of time,
8 because that time period has run.

9 (q) The individual has not had a license that was issued under this section
10 revoked, unless each reason for the revocation is no longer applicable because of
11 changed circumstances or, if the revocation was based on a restriction under this
12 subsection that applies for a specified period of time, because that time period has
13 run.

14 (r) Within the preceding 3 years, the individual was not convicted under sub.
15 (17) (c), (d), or (e) and was not serving a sentence, on probation, or subject to a
16 dispositional order under ch. 938 for committing an offense under sub. (17) (c), (d),
17 or (e).

18 (s) The individual is a Wisconsin resident.

19 **(3m) COURSE OR CLASS REQUIREMENTS.** (a) A firearm training or firearm safety
20 course or class under sub. (3) (h) 1. a. shall consist of all of the following:

21 1. Instruction on how to handle, load, unload, and store handguns.

22 2. Instruction on the privilege of self-defense and the defense of others under
23 s. 939.48.

24 3. Instruction on how to avoid injuring 3rd parties when defending himself,
25 herself, or others in a manner that is privileged under s. 939.48.

1 4. Instruction on basic self–defense principles.

2 5. Instruction on how to carry a concealed handgun safely.

3 6. Instruction on firing a handgun.

4 7. Practice firing a handgun.

5 (am) The department may not specify the number of hours of instruction, either
6 in the aggregate or with respect to any of the individual topics specified in par. (a)
7 1. to 7., that a course or class must provide.

8 (b) The department shall certify instructors who are qualified to teach a course
9 or class described in par. (a) and maintain a list of instructors that it certifies. To be
10 certified by the department as an instructor, a person must meet all of the following
11 criteria:

12 1. Be qualified under sub. (3) to carry a concealed weapon.

13 2. Be able to demonstrate the ability and knowledge required for instructing
14 students under par. (a) 1. to 7.

15 **(5) APPLICATION, RENEWAL, AND TRAINING FORMS.** (a) The department shall design
16 an application form for use by individuals who apply for a license under this section
17 and a renewal form for use by individuals applying for renewal of a license under sub.
18 (15). The department shall complete the design of the application form no later than
19 the first day of the 2nd month beginning after the effective date of this subsection
20 [revisor inserts date], and shall complete the design of the renewal form no later than
21 the first day of the 36th month beginning after the effective date of this subsection
22 [revisor inserts date]. The forms shall require the applicant to provide only his
23 or her name, address, date of birth, state identification card number, race, sex,
24 height, weight, and hair and eye color and the registration number for each motor

1 vehicle registered in the applicant's name[37; AA-ASA1-AB763; Page: 28, Line:
2 3] and shall include all of the following:

3 1. A statement that the applicant is eligible for a license if the requirements
4 specified in sub. (3) are met.

5 2. A statement explaining the privilege of self-defense and defense of others
6 under s. 939.48, with a place for the applicant to sign his or her name to indicate that
7 he or she has read and understands the statement.

8 3. A statement, with a place for the applicant to sign his or her name, to indicate
9 that the applicant has read and understands the requirements of this section.

10 4. A statement that the application must include the notarized statement
11 described under sub. (7) (b) and that an applicant may be prosecuted if he or she gives
12 a false answer to any question on the application or submits a falsified document
13 with the application.

14 5. A statement of the penalties for giving a false answer to any question on the
15 application or submitting a falsified document with the application.

16 (b) The department shall design a form for use by individuals listed in sub. (3)
17 (h) 2. to verify a person's eligibility for a license under sub. (3) (b) and (h) 1. The form
18 shall provide for verification of a person's eligibility under sub. (3) (b) by providing
19 a space for the individual completing the form to check a box indicating whether the
20 person is eligible for a license under sub. (3) (b).

21 (c) The department shall make the forms described in this subsection available
22 on the Internet or by mail upon request.

23 **(6) REVIEW BY NOTARY.** Before a person submits an application under sub. (7),
24 the person shall display a valid license document or identification card that he or she
25 has been issued under s. 343.17 or 343.50 to the notary who is to notarize the

1 statement required under sub. (7) (b). Before notarizing that statement, the notary
2 shall verify the person's identity using that license document or identification card
3 and verify that the name and state identification card number listed on the license
4 document or identification card are the same as the name and state identification
5 card number listed on the application.

6 (7) SUBMISSION OF APPLICATION. An individual may apply for a license under this
7 section with the department by submitting to the department all of the following:

8 (a) A completed application in the form prescribed under sub. (5) (a).

9 (b) A notarized statement that states that the information that he or she is
10 providing in the application submitted under par. (a) and any document submitted
11 with the application is true and complete to the best of his or her knowledge.

12 (bd) A license fee of \$52.

13 (bh) A fee for a background check of \$8.

14 (bp) A shooting range improvement fee of \$15 written as a separate check,
15 made out to the applicant's county of residence, that the department shall forward
16 to that county on at least a quarterly basis.

17 (d) A training certificate, in the form created by the department under sub. (5)
18 (b), that is completed by the person specified in sub. (3) (h) 2. and that shows that the
19 person is eligible for a license under sub. (3) (b) and (h) 1. This paragraph does not
20 apply to a person certified under sub. (3m) (b) as an instructor of a firearm training
21 or firearm safety course or class.

22 (9) PROCESSING OF APPLICATION. (a) Upon receiving an application submitted
23 under sub. (7), the department shall conduct a background check, as provided under
24 sub. (9g).

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(b) [37; AA-ASA1-AB763; Page: 30, Line: 1] Subject to par. (c), within[37; AA-ASA1-AB763;Page: 30, Line: 1] 21 days after receiving an application under sub. (7), the department shall do one of the following:

1. Issue the license and promptly send the licensee his or her license document by 1st class mail.

2. Deny the application, but only if the applicant fails to qualify under the criteria specified in sub. (3). If the department denies the application, the department shall inform the applicant in writing, stating the reason and factual basis for the denial to the extent permitted under federal law.

(c) The time period specified in par. (b) (intro.) is tolled during the pendency of any action brought under sub. (10m). [37; AA-ASA1-AB763; Page: 30, Line: 8]

(9g) BACKGROUND CHECKS. (b) The department shall conduct a background check regarding an applicant for a license using the following procedure:

1. The department shall create a confirmation number associated with the applicant.

2. The department shall use the transaction information for management of enforcement system and the national crime information center system.

3. As soon as practicable, the department shall do the following:

a. If the background check indicates that the applicant does not qualify for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (mm),[37; AA-ASA1-AB763;Page: 30, Line: 17] (n), (o), or (r), create a unique nonapproval number for the applicant.

b. If the completed background check does not indicate that the applicant is disqualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m),

1 (mm),[37; AA-ASA1-AB763; Page: 30, Line: 20] (n), (o), or (r), create a unique
2 approval number for the applicant.

3 c. If the background check indicates that the applicant was the subject of a
4 relevant criminal charge for which there is no recorded disposition or if, in the case
5 of a misdemeanor delinquency adjudication, the background check does not indicate
6 how long the resultant dispositional order was in effect, make all reasonable efforts
7 to obtain the missing information.

8 (c) The department shall conduct the background check under par. (b)
9 immediately if the background check is for an applicant for an emergency license
10 under sub. (9r).

11 (d) The department shall maintain the record of all completed application
12 forms and a record of all[37; AA-ASA1-AB763; Page: 31, Line: 7] approval or
13 nonapproval numbers regarding background checks under this subsection.

14 (e) 1. The department shall check each application form [37;
15 AA-ASA1-AB763;Page: 31, Line: 9][37; AA-ASA1-AB763; Page: 31, Line: 11;
16 *Could not find pattern match.*][37; AA-ASA1-AB763; Page: 31, Line: 9; *Could*
17 *not find pattern match.*]a unique approval number regarding the request [37;
18 AA-ASA1-AB763; Page: 31, Line: 12][37; AA-ASA1-AB763; Page: 31, Line:
19 12], the department shall, except as provided in subd. 2., destroy all records
20 regarding that background check within 30 days after receiving the form. [37;
21 AA-ASA1-AB763;Page: 31, Line: 16][37; AA-ASA1-AB763; Page: 31, Line: 16]

22 2. The department may maintain records necessary to administer this
23 subsection and, for a period of not more than 15 months after the department issues
24 a unique approval number, a log of dates of[37; AA-ASA1-AB763; Page: 31, Line:
25 23] background checks under this subsection together with[37; AA-ASA1-AB763;

1 **Page: 31, Line: 24]** unique approval and nonapproval numbers corresponding to
2 those dates.

3 (f) The department shall promulgate rules authorizing it to obtain records
4 necessary to determine an applicant's eligibility under sub. (3) (e), (g) 1., (i), (im), and
5 (j) for a license issued under this section.

6 **(9r)** EMERGENCY LICENSE. (a) Unless the department knows that the person is
7 not qualified for a license under sub. (3) (a) to (g) or (i) to (s), the department shall
8 issue a license under this section to an individual who does not satisfy the
9 requirements under sub. (3) (h) 1. if the department determines that immediate
10 licensure is warranted to protect the individual from death or great bodily harm, as
11 defined in s. 939.22 (14). If the individual has obtained a temporary restraining
12 order or injunction under s. 813.12 or 813.125 or a foreign protection order that meets
13 the requirements of s. 806.247 (2) and that has the same effect as an order issued
14 under s. 813.12 or 813.125, the department shall presume that immediate licensure
15 is warranted to protect the individual from death or great bodily harm. If the
16 department issues a license under this paragraph it shall conduct an immediate
17 background check under sub. (9g).

18 (b) 1. Except as provided in subd. 2. and par. (d), a license issued under par. (a)
19 is valid for 120 days from the date on which it is issued and may not be renewed.

20 2. If the department learns that an individual to whom the department has
21 issued a license under par. (a) does not qualify for a license under sub. (3) (c), (d), (e),
22 (f), (g), (i), (im), (j), (k), (L), (m), (mm), **[37; AA-ASA1-AB763; Page: 32, Line: 20]**
23 (n), (o), or (r), the department shall revoke the license.

24 (c) The department may waive the fees that would otherwise be required under
25 sub. (7) (bd), (bh), and (bp) for an individual who is applying for a license under par.

1 (a) if requiring the individual to pay the fees would create a hardship for the
2 individual. The department shall promulgate rules specifying the procedures and
3 definitions to apply when determining whether an individual is eligible for a waiver
4 of the fees for an emergency license under this section as provided under this
5 paragraph.

6 (d) A person who has been issued a license under par. (a) may obtain a license
7 under sub. (2) if he or she meets the qualifications specified under sub. (3) and
8 completes the application process specified in sub. (7). A license issued to a person
9 under par. (a) is void if the person is issued a license under sub. (2).

10 **(10) EXEMPTION FROM BACKGROUND CHECK.** Notwithstanding subs. (9) (a) and
11 (15) (c), the department shall issue or renew a license under this section to any of the
12 following individuals without requesting a background check:

13 (a) A law enforcement officer.

14 (b) A correctional officer.

15 (c) A probation, parole, and extended supervision agent.

16 (d) A person who holds a current certification from the law enforcement
17 standards board under s. 165.85 (3) (c).

18 **(10m) DISQUALIFICATION PETITION REGARDING CERTAIN MISDEMEANANTS.** (a) If the
19 department receives an application for a license under this section from a person who
20 has committed a misdemeanor crime of violence and the person is eligible for a
21 license under sub. (3) (m), the department may file a petition under this subsection
22 asking the circuit court to enter an order barring the person from receiving a license.
23 The department may only file such a petition if the petition alleges that, based on the
24 person's commission of one or more misdemeanor crimes of violence, the person

1 would pose a substantial risk to others if the person were issued a license under this
2 section.

3 (b) The department shall file any such petition in the circuit court of the
4 person's county of residence. The department may not file the petition more than 30
5 days after receiving the person's completed application, unless the person was issued
6 a license under sub. (9r). The court shall allow the person 30 days to file an answer
7 to the petition. The court may hold an evidentiary hearing on the petition.

8 (c) If the court determines, by clear and convincing evidence, that the person
9 would pose a substantial risk to others if the person were issued a license under this
10 section, the court shall enter an order prohibiting the person from obtaining a license
11 under this section.

12 (d) If the court denies the department's petition, the court shall award the
13 person costs and reasonable attorney fees.

14 (e) The court shall expedite any proceeding brought under this subsection. [37;
15 AA-ASA1-AB763; Page: 33, Line: 14]

16 [37; AA-ASA1-AB763; Page: 33, Line: 15][37; AA-ASA1-AB763; Page: 33,
17 Line: 15][37; AA-ASA1-AB763; Page: 33, Line: 15][37; AA-ASA1-AB763; Page:
18 33, Line: 15][37; AA-ASA1-AB763; Page: 33, Line: 15][37; AA-ASA1-AB763;
19 Page: 33, Line: 15]

20 [37; AA-ASA1-AB763; Page: 33, Line: 15][37; AA-ASA1-AB763; Page: 33,
21 Line: 15][37; AA-ASA1-AB763; Page: 33, Line: 15]

22 [37; AA-ASA1-AB763; Page: 33, Line: 15][37; AA-ASA1-AB763; Page: 33,
23 Line: 15]

24 [37; AA-ASA1-AB763; Page: 34, Line: 1][37; AA-ASA1-AB763; Page: 34,
25 Line: 1][37; AA-ASA1-AB763; Page: 34, Line: 1]

1 [37; AA-ASA1-AB763; Page: 34, Line: 1][37; AA-ASA1-AB763; Page: 34,
2 Line: 1][37; AA-ASA1-AB763; Page: 34, Line: 1][37; AA-ASA1-AB763; Page:
3 34, Line: 1]

4 [37; AA-ASA1-AB763; Page: 34, Line: 1][37; AA-ASA1-AB763; Page: 34,
5 Line: 1][37; AA-ASA1-AB763; Page: 34, Line: 1][37; AA-ASA1-AB763; Page:
6 34, Line: 1][37; AA-ASA1-AB763; Page: 34, Line: 1][37; AA-ASA1-AB763;
7 Page: 34, Line: 1]

8 [37; AA-ASA1-AB763; Page: 34, Line: 14] (11) UPDATED INFORMATION. (a)[37;
9 AA-ASA1-AB763;Page: 34, Line: 14] 1. In this paragraph:

10 a. “Clerk” means the clerk of the circuit court or, if it has enacted a law or an
11 ordinance in conformity with s. 346.63, the clerk of the court for a federally
12 recognized American Indian tribe or band in this state, a city, a village, or a town.

13 b. “Court automated information systems” means the systems under s. 758.19
14 (4).

15 2. The court automated information systems, or the clerk or register in probate,
16 if the information is not contained in or cannot be transmitted by the court
17 automated information systems, shall promptly notify the department of the name
18 of any individual with respect to whom any of the following occurs and the specific
19 reason for the notification:

20 a. The individual is charged with a felony, a misdemeanor crime of violence, a
21 violation of ch. 961, the solicitation, conspiracy, or attempt to commit any violation
22 of ch. 961, a violation of s. 941.20 (1) (b), a violation of sub. (17) (c), (d), or (e), or any
23 other crime that, upon conviction, would disqualify the individual from having a
24 license under this section.

25 b. The individual is charged with a drunk driving offense.

1 c. The individual is found by a court to have committed any offense described
2 in subd. 2. a. or b.

3 d. Prosecution of a felony or a misdemeanor crime of violence for which the
4 individual is charged is suspended under a deferred prosecution agreement.

5 e. The individual is found incompetent under s. 971.14.

6 f. The individual is found not guilty of any crime by reason of mental disease
7 or mental defect under s. 971.17.

8 g. The individual is involuntarily committed for treatment under s. 51.20 or
9 51.45.

10 h. The individual is found incompetent under ch. 880.

11 i. The individual becomes subject to an injunction described in s. 941.29 (1) (f)
12 or is ordered not to possess a firearm under s. 813.125 (4m).

13 j. A court has prohibited the individual from possessing a dangerous weapon
14 under s. 969.02 (3) (c).

15 3. Upon receiving a notice under subd. 2., the department shall immediately
16 determine if the individual who is the subject of the notice is a licensee, using the list
17 maintained under[37; AA-ASA1-AB763; Page: 35, Line: 23] sub. (12) (a)[37;
18 AA-ASA1-AB763;Page: 35, Line: 23].

19 [37; AA-ASA1-AB763; Page: 36, Line: 1] (b) 1.[37; AA-ASA1-AB763; Page:
20 36, Line: 1] Within 10 days after being charged under federal law or the law of
21 another state with any crime or any drunk driving offense, a licensee shall notify the
22 department of the charge.

23 [37; AA-ASA1-AB763; Page: 36, Line: 4] 2.[37; AA-ASA1-AB763; Page:
24 36, Line: 4] No later than 30 days after changing his or her address, a licensee shall
25 inform the department of his or her new address. The department shall include the

1 individual's new address in the list under sub.[37; AA-ASA1-AB763; Page: 36,
2 **Line: 6]** (12) (a)[37; AA-ASA1-AB763; Page: 36, Line: 6].

3 **(12) MAINTENANCE, USE, AND PUBLICATION OF RECORDS BY THE DEPARTMENT.** (a) The
4 department shall maintain a computerized record listing the names and the
5 information specified in sub. (2m) (b) of all individuals who have been issued a license
6 under this section. Except as provided in par. (b) 1. and subject to par. (b) 2., neither
7 the department nor any employee of the department may store, maintain, format,
8 sort, or access the information in any way other than by the names, dates of birth,
9 or sex of licensees or by the identification numbers assigned to licensees under sub.
10 (2m) (b) 6.

11 (b) 1. A law enforcement officer who is employed by the department may obtain
12 information regarding a licensee from the department of transportation under s.
13 341.175 (4).

14 2. A law enforcement officer who is employed by the department may not
15 request or be provided information maintained by the department under par. (a)
16 concerning a specific licensee except for one of the following purposes:

17 a. To confirm that a license produced by an individual at the request of a law
18 enforcement officer is valid.

19 b. To confirm that an individual holds a valid license under this section, if the
20 individual is going armed with a concealed weapon but is not carrying his or her
21 license document and claims to hold a valid license issued under this section.

22 c. To investigate whether an individual submitted an intentionally false
23 notarized statement under sub. (7) (b) or (15) (b) 2., intentionally violated sub. (11)
24 (b) 1., or intentionally made a false statement to the department in connection with
25 the individual's request for an emergency license under sub. (9r).

1 d. To investigate whether an individual complied with sub. (11) (b) 1. or (14) (b)

2 2.

3 (c) Notwithstanding s. 19.35, neither the department nor any department
4 employee may make information obtained under this section available to the public
5 except in the context of a prosecution for an offense in which the person's status as
6 a licensee is relevant, in the context of a proceeding under sub. (10m), or through a
7 report created under sub. (19).

8 **(12g) PROVIDING LICENSEE INFORMATION TO LAW ENFORCEMENT AGENCIES.** (a) The
9 department shall provide information concerning a specific licensee to a law
10 enforcement agency, but only if the law enforcement agency is requesting the
11 information for any of the following purposes:

12 1. To confirm that a license produced by an individual at the request of a law
13 enforcement officer is valid.

14 2. To confirm that an individual holds a valid license under this section, if the
15 individual is going armed with a concealed weapon but is not carrying his or her
16 license document and claims to hold a valid license issued under this section.

17 3. To investigate whether an individual submitted an intentionally false
18 notarized statement under sub. (7) (b) or (15) (b) 2., intentionally violated sub. (11)
19 (b) 1., or intentionally made a false statement to the department in connection with
20 the individual's request for an emergency license under sub. (9r).

21 (b) 1. Notwithstanding s. 19.35, neither a law enforcement agency nor any of
22 its employees may make information regarding an individual that was obtained from
23 the department under this subsection or from the department of transportation
24 under s. 341.175 available to the public except in the context of a prosecution for an
25 offense in which the person's status as a licensee is relevant.